

**REMARKS/ARGUMENTS**

Claims 1-50 are pending in the application. Claims 1, 39 and 50 are amended. The amendments to the claims as indicated herein do not add any new matter to this application.

**CLAIM REJECTIONS — 35 U.S.C. § 102(e)**

Claims 39 - 49 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Fernandez et al. U.S. Patent 6,785,673 B1 (hereafter “Fernandez”). This rejection is respectfully traversed.

**CLAIM 39**

**Currently amended Claim 39 recites the following:**

A method for processing XML data, comprising the computer-implemented steps of:  
    receiving information at a first execution unit to cause said first execution unit to perform work associated with a query execution plan for servicing a request for data;  
    wherein said information comprises an annotation that causes the XML data generated by said first execution unit to be transformed to a canonical form for use by a second execution unit;  
    wherein said information, without said annotation, would cause said second execution unit to receive from said first execution unit XML data in a first form that cannot be used by said second execution unit;  
    transforming XML data generated by said first execution unit to said canonical form prior to providing said XML data to said second execution unit,  
    wherein transforming XML data comprises removing one or more references to execution unit-specific data that is accessible to the first execution unit but that is not accessible to the second execution unit; and  
    providing XML data that is transformed to said second execution unit in said canonical form for use in performing work associated with said query execution plan by said second execution unit.

The Office Action states that Fernandez anticipates “transforming XML data generated by said first execution unit to said canonical form prior to providing said XML data to said second execution unit” in Fernandez: column 28, lines 1-10; column 6, lines 61-67; column 35, lines 64-67.   
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67; and column 36, lines 25-35. (The Office Action, page 4.) The Applicants respectfully disagree.

Fernandez does not describe a method to transform XML data to a canonical form of the same XML data, as recited in Claim 39. Instead, Fernandez describes a method to transform relational data in the RXL format into an XML document (Fernandez: column 6, lines 64-67 and column 36, lines 25-35). In Fernandez, a database administrator generates a view query; a composer module takes the view query and produces an executable query (Fernandez: column 7, lines 2-5); a translator partitions the executable query into one or more SQL queries (Fernandez: column 7, lines 9-12); and, finally, an XML generator module merges SQL queries with an XML construction part, and produces an XML document. (Fernandez: column 7, lines 24-26, Abstract). Hence, Fernandez addresses a conversion of RXL relational data into an XML document (Fernandez: column 2, lines 64-65).

In sharp contrast, Claim 39 recites a method to convert an XML document by “removing one or more references to execution unit-specific data that is accessible to the first execution unit but that is not accessible to the second execution unit.” This is not described in Fernandez. Fernandez’s data format conversion is completely unrelated to removing unit-specific data from an XML document. In fact, Fernandez does not remove any references to any execution unit-specific data at all because Fernandez does not address the issue whether a particular XML document even contains any execution unit specific data.

Furthermore, Fernandez’s “canonical form” is fundamentally different from the “canonical form” recited in Claim 39. In Fernandez, an XML generator module’s function, called “fun compose(),” decomposes XML blocks into its patterns, filters, and templates, and rewrites each nested pattern in a canonical form as a list of unnested patterns. (Fernandez: column

28, lines 1-3.) But, the objective of deriving the “canonical form” in Fernandez is to obtain a list of unnested patterns used to generate an XML document (Fernandez: column 28, lines 1-5). That objective is completely unrelated to obtaining a “canonical form” of an XML document having no references to execution unit-specific data that will not be accessible to the second execution unit. Fernandez generates a “canonical form” to handle the nested patterns of HML variables in the XML document, whereas a “canonical form” in Claim 1 is generated to make the XML document accessible to the second execution unit. These two “canonical forms” are unrelated to each other, and serve different purposes.

Thus, Fernandez does not anticipate “transforming XML data generated by said first execution unit to said canonical form prior to providing said XML data to said second execution unit.”

Based on the foregoing remarks, reconsideration and withdrawal of the rejection of Claim 39 is respectfully requested.

#### **CLAIMS 40-49**

Claims 40-49 depend directly or indirectly on Claim 39 that has been discussed. Therefore, those claims are patentable for the reasons given above. In addition, each of the dependent claims separately introduces features that independently render the claim patentable. However, due to the fundamental differences already identified, and to expedite positive resolution of the examination, separate arguments are not provided for each of the dependent claims at this time.

Reconsideration and withdrawal of the rejection of Claims 40-49 is respectfully requested.

**CLAIM REJECTIONS—35 U.S.C. § 103**

Claims 1-38, 50 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Fernandez (U.S. 6,785,673 B1) in view of Murthy et al. U.S. 7,103,590 B1 (hereafter “Murthy”). This rejection is respectfully traversed.

**CLAIMS 1 AND 50**

The Office Action states that Fernandez anticipates “annotating said information with an annotation that causes XML data generated by said first execution unit to be transformed to a canonical form for use by said second execution unit in performing said another portion of said query execution plan” in Fernandez: column 28, lines 1-10; column 35, lines 64-67; and column 36, lines 25-35. (The Office Action, page 8.) The Applicants respectfully disagree.

Similarly to what was shown for Claim 39, Fernandez does not anticipate “to be transformed to a canonical form for use by said second execution unit in performing said another portion of said query execution plan” because Fernandez neither anticipates the type of the transformation explicitly recited in Claim 39, nor the type of the “canonical form” recited in Claim 39.

With regard to Murthy, the Office Action fails to present a *prima facie* case of unpatentability under 35 U.S.C. § 103(a) because Murthy is not citable in this application under 35 U.S.C. § 103(c)(1) and must be removed as a reference.

Under 35 U.S.C. § 103(c)(1), a reference is not citable against an application under 35 U.S.C. § 103(a) if the invention described in the application for patent and the invention described in the prior art reference applied against the application were commonly owned by, or

subject to an obligation of assignment to, the same person, at the time the invention in the application for patent was made. Further, to use Murthy as reference in a 35 U.S.C. § 103(a) rejection, Murthy would have to qualify under 35 U.S.C. §102(e). See USPTO “Frequently Asked Questions” about 103(c), <http://www.uspto.gov/web/offices/dcom/olia/aipa/103cfaq.htm>.

In the present situation, the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. Therefore, all requirements of 35 U.S.C. §103(c)(1) are satisfied in the present case with respect to Murthy, and Murthy is ineligible as a reference. Applicants respectfully request reconsideration and removal of Murthy as a reference.

Reconsideration and withdrawal of the rejection of Claims 1, and 50 is respectfully requested.

### **CLAIMS 2-38**

Claims 2-38 depend directly or indirectly on Claim 1 that has been discussed. Therefore, those claims are patentable for the reasons given above. In addition, each of the dependent claims separately introduces features that independently render the claim patentable. However, due to the fundamental differences already identified, and to expedite positive resolution of the examination, separate arguments are not provided for each of the dependent claims at this time.

Reconsideration and withdrawal of the rejection of Claims 2-38 is respectfully requested.

**CONCLUSION**

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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